

REMARKS

Claims 1 to 12, 16 to 21 and 25 to 32 are the pending claims, of which Claims 1, 16, 21 and 25 are independent. Claims 13 to 15 and 22 to 24, which were the subject of a restriction requirement and have been withdrawn from further prosecution by the Examiner, are being cancelled without prejudice or disclaimer of the subject matter therein, it being the applicant's intention to further pursue these claims in a divisional application. Claims 16 and 21 are being amended. Reconsideration and further examination are respectfully requested.

The Applicant gratefully acknowledges the Examiner's indication that Claims 1 to 12 and 25 to 32 are allowed and that Claims 16 to 21 would be allowable if rewritten to overcome the 35 U.S.C. § 101.

The only matter raised in the Office Action is the § 101 rejection of Claims 16 to 21. Without conceding the correctness of the rejection, the Applicant amends Claims 16 and 21 to recite a computer-readable medium tangibly embodying a computer program (Claim 16) and a computer program product that comprises a computer-readable medium comprising computer program logic tangibly recorded thereon (Claim 21). Reference is respectfully made to MPEP § 2106.01(I), which states in part:

“...a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory.”

It is respectfully submitted that Claim 16 and 21, and the claims that depend therefrom, recite statutory subject matter. Reconsideration and withdrawal of the rejection are respectfully requested.

No other matters being raised by the Office Action, the application is believed to be in condition for allowance. The Examiner is respectfully requested to issue a Notice of Allowance at the Examiner's earliest convenience. Should matters remain which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone the Applicant's undersigned attorney.

The Applicant's attorney may be reached by telephone at 212-801-6729. All correspondence should continue to be directed to the address given below, which is the address associated with Customer Number 76058.

The Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 50-1561. Please ensure that the Attorney Docket Number is referenced when charging any payments or credits for this case.

Respectfully submitted,

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